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14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF THEIR
IDENTIFICATION OF MOTIONS IN
LIMINE FOR RESOLUTION PRIOR
TO TRIAL AND EXHIBITS
THERE TO**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal portions of their Identification of Motions In Limine for Resolution Prior to Trial and Exhibits Thereto. Specifically, Defendants request an order granting leave to file under seal the confidential portions of the following documents:

Document	Portions to Be Filed Under Seal	Designating Party
Identification of Motions In Limine for Resolution Prior to Trial (“Brief”)	Highlighted Portions	Defendants
Exhibit 3	Entire Document	Defendants
Exhibit 5	Entire Document	Defendants
Exhibit 6	Entire Document	Defendants
Exhibit 7	Highlighted Portions	Defendants

The highlighted portions on page 6 of the Brief contain highly confidential information regarding Uber’s LiDAR development and business strategy. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. This information could be used by competitors to Uber’s detriment to gain an advantage over Uber; for example, disclosure of this information, which contains Uber’s internal development timeline estimate, would allow competitors to understand Uber’s LiDAR development and business strategy, and allow them to tailor their own strategy. If such information were made public, Uber’s competitive standing could be significantly harmed. (Yang Decl. ¶ 4.)

The entireties of Exhibits 3, 5, 6 are Equity Incentive Plans containing Defendants’ highly confidential and sensitive business information regarding financial, compensation, and employment terms. This information is not publicly known, and their confidentiality is strictly maintained. This information could be used by competitors to Uber’s detriment, by using this information to gain an advantage over Uber in employment negotiations in a competitive market for talent. Disclosure of this information would allow competitors to tailor their employment

1 offers during negotiations. If such information were made public, Uber's competitive standing
2 could be significantly harmed. (Yang Decl. ¶ 5.)

3 The highlighted portions on pages 4-7 of Exhibit 7 contain highly confidential information
4 concerning commercial terms that were the subject of business negotiations. This highly
5 confidential information is not publicly known, and their confidentiality is strictly maintained.
6 This information could be used by competitors or counterparties to Uber's detriment, including
7 by using this information to gain an advantage over Uber in negotiations for business transactions.
8 Disclosure of this information, which includes payment, purchasing, warranty, and other
9 commercial terms that reveal Uber's negotiation priorities and desired results, would allow
10 competitors or counterparties to tailor their negotiation tactics to counter Uber. If such
11 information were made public, Uber's competitive standing could be significantly harmed.
12 (Yang Decl. ¶ 6.)

13 The highlighted portions on page 10 of Exhibit 7 contain highly confidential financial
14 terms of the Indemnification Agreement for which Judge Corley has already granted sealing (Dkt.
15 653). (Yang Decl. ¶ 7.)

16 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the
17 documents at issue, with accompanying chamber copies.

18 Defendants served Waymo with this Administrative Motion to File Documents Under
19 Seal on July 10, 2017.

20 For the foregoing reasons, Defendants request that the Court enter the accompanying
21 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and
22 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –
23 ATTORNEYS' EYES ONLY."

1 Dated: July 10, 2017

MORRISON & FOERSTER LLP

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3 By: /s/Arturo J. González
ARTURO J. GONZÁLEZ

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5 UBER TECHNOLOGIES, INC.,
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